

HOUSE

AMENDMENT NO.____

Offered by

_____ of _____

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 38, Page 1, Section A, Line 11 of said page, by inserting after all of said line the following:

"196.1015. 1. The general assembly finds that some studies indicate:

(1) Pregnant smokers have a higher risk of spontaneously aborting their unborn children than nonsmokers;

(2) Mothers who smoke while pregnant increase their chance of premature labor;

(3) Women who smoke are more likely to give birth to low birth weight babies than nonsmokers;

(4) Children of mothers who smoked during pregnancy are more likely to have certain birth defects than children of nonsmokers;

(5) Tobacco use in adolescence is associated with higher

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risk sexual behavior; and

(6) Women who have had previous induced abortions are more likely to smoke than women who have not had previous induced abortions.

2. The general assembly finds and declares:

(1) There appears to be links between tobacco use and the lives, health and future of pregnant women and their unborn children;

(2) The state has an interest in protecting the lives, health and future of all pregnant women and their unborn children, whether threatened by tobacco use, abortion or other hazards; and

(3) Some of the moneys received by the state pursuant to the master settlement agreement entered into on November 23, 1998, by the state and leading United States tobacco product manufacturers should be used to provide, promote and administer alternative to abortion services.

196.1018. 1. There is hereby created in the state treasury the "Missouri Tobacco Settlement Trust Fund". The state treasurer shall deposit to the credit of the Missouri tobacco settlement trust fund all moneys received by the state pursuant to the master settlement agreement entered into on November 23, 1998, by the state and leading United States tobacco product manufacturers.

2. The state treasurer shall invest moneys in the Missouri tobacco settlement trust fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo.

3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, the moneys in the Missouri tobacco settlement trust fund shall not revert to the credit of general revenue at the end of the biennium.

4. Notwithstanding any other provision of law relating to the purposes for which moneys in the Missouri tobacco settlement trust fund are to be appropriated to the contrary, two percent of such moneys shall be appropriated to the Missouri alternatives to abortion support fund.

5. Moneys deposited in the Missouri tobacco settlement trust fund and any interest accruing to such fund shall not be included within the definition of "total state revenues" in article X, section 17 of the Missouri Constitution.

196.1021. 1. There is hereby created in the state treasury the "Missouri Alternatives to Abortion Support Fund". The state treasurer shall credit to and deposit in such fund:

(1) Moneys that may be required by law to be credited to or deposited in such fund;

(2) Moneys that may be appropriated to it by the general assembly;

(3) Any other amounts that may be received from general

revenue, grants, gifts, bequests, settlements, awards or from federal, state or local sources; and

(4) Any other sources granted or given for this specific purpose.

2. The state treasurer shall invest moneys in the Missouri alternatives to abortion support fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings that result from the investment of moneys in the fund shall be credited to such fund.

3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri alternatives to abortion support fund shall not revert to the credit of general revenue at the end of the biennium.

4. Moneys credited to and deposited in the fund shall only be used for the purposes authorized pursuant to this section or as otherwise provided by law.

5. Until the moneys in the Missouri alternatives to abortion fund exceed one million dollars, not more than one-half of the money credited to and deposited in the fund from all sources, plus all earnings from the investment of moneys in the fund during the previous fiscal year, shall be available for disbursement. When the state treasurer certifies that the moneys in the fund exceed one million dollars, all credited earnings plus all future credits to the fund from all sources shall be

available for disbursement.

6. The purpose of the Missouri alternatives to abortion support fund is to provide and promote alternative to abortion services either directly through public agencies or by grants to, or contracts with, private agencies that are:

(1) Established and operating primarily for the purpose of providing alternative to abortion services and that do not perform or refer for abortions;

(2) Located in this state; and

(3) Exempt from income taxation pursuant to the Internal Revenue Code.

As used in this section, "alternative to abortion services" means services or counseling offered to a woman with a crisis pregnancy or unplanned pregnancy to assist her in carrying her unborn child to term instead of having an abortion, and to assist her in caring for her dependent child or placing her child for adoption.

7. Moneys deposited in the Missouri alternatives to abortion support fund and any interest accruing to such fund shall not be included within the definition of "total state revenues" in article X, section 17 of the Missouri Constitution.

196.1024. 1. There is hereby established the "Missouri Respect Life Commission" within the office of administration. The commission shall consist of thirteen members, two who shall

be members of the senate, one from the majority party and one from the minority party, appointed by the president pro tem of the senate, two who shall be members of the house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house, and nine members, one from each congressional district appointed by the governor with the advice and consent of the senate. Not more than five congressional district members shall be from the same political party.

2. The four members appointed from the general assembly shall serve during their term as a member of the general assembly, and the nine congressional district members shall serve four-year terms, except that of the initial appointments, five shall be appointed for a term of four years and four shall be appointed for a term of two years. Before the expiration of the term of a congressional district member appointed by the governor, the governor shall appoint a successor whose term begins on July first next following. Each member shall serve until his or her successor is appointed. A member is eligible for reappointment. If there is a vacancy of a congressional district member for any cause, the governor shall make an appointment for the unexpired term with the advice and consent of the senate.

3. To be eligible for appointment to the commission, a

person shall demonstrate agreement with the principles and goals set forth in this section regarding respect for innocent human life from conception until natural death, and the need to offer and promote alternatives to abortion services for pregnant women so that such women are encouraged to carry their pregnancies to term instead of having abortions. In making congressional district member appointments to the commission, the governor shall consider nominees recommended to the governor for appointment by right-to-life organizations in this state.

4. Any congressional district member may be removed by the governor for misconduct, incompetency or neglect of duty after first being given the opportunity to be heard on his or her own behalf.

5. The commission shall elect one of its members to serve as chairperson, and may elect such other officers and establish such committees as deemed necessary.

6. The commission may appoint an executive director who shall serve subject to the supervision of and at the pleasure of the commission. The executive director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to the executive director by law or the commission. The office of administration shall provide all necessary office space, facilities and equipment. The executive director may hire and

set the compensation of such staff as is approved by the commission, within the limitations of appropriations for such purpose.

7. Each member of the commission shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of his or her duties.

8. The commission shall exercise its powers and duties independently of the office of administration except that budgetary, procurement, accounting and other related management functions shall be performed by the office of administration.

9. The commission shall meet at least quarterly.

10. The powers and duties of the Missouri respect life commission shall include, but not be limited to, the following:

(1) To disburse funds from the Missouri alternatives to abortion support fund and any other funds authorized by law to be disbursed by the commission;

(2) To consult with appropriate state agencies, commissions, boards and public and private agencies to determine the effectiveness of, and need for, alternatives to abortion services and effectiveness of, and need for, programs that foster respect for human life both before and after birth;

(3) To facilitate information exchange and coordination among agencies and groups concerned with offering and promoting alternative to abortion services, and concerned with offering and

promoting programs that foster respect for human life both before and after birth;

(4) To develop statewide educational and public informational campaigns, conferences and workshops for the purpose of developing appropriate public awareness regarding respect for human life both before and after birth, and the need to offer and promote alternative to abortion services;

(5) To identify those groups of pregnant women at risk of obtaining abortions, identify problems and conditions such pregnant women have and encounter which causes them to choose to obtain abortions instead of choosing to carry their pregnancies to term, and propose solutions to such problems and conditions;

(6) To recommend statutory changes and appropriations to promote alternative to abortion services and to promote programs that foster respect for human life both before and after birth;

(7) To solicit and accept general revenue, grants, gifts, bequests, contributions or other aid from the general assembly, any person or business, organization or foundation, public or private, or from federal, state or local sources; and

(8) To perform any other functions or duties consistent with the provisions of this section or otherwise required by law.

11. The Missouri respect life commission shall submit an annual report of its activities to the president pro tem of the senate, the speaker of the house of representatives and the

governor before December thirty-first of each year."; and

Further amend said title, enacting clause and intersectional references accordingly.